

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

**KAREN MEYERS, as Administratrix of
the Estate of Gabriel Taye, et al.,**

Plaintiffs,

v.

**CINCINNATI BOARD OF EDUCATION,
et al.,**

Defendants.

Case No. 1:17-cv-00521

Judge Timothy S. Black

**PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS DIRECTED TO
DEFENDANT CINCINNATI BOARD
OF EDUCATION**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs request Defendant Cincinnati Board of Education to produce the following documents within thirty (30) days.

INSTRUCTIONS

This first set of requests for production of documents duplicates the public records requests previously made on the Cincinnati Board of Education. Where a date is in **bold** typeface it indicates the document request seeks a date different from the public records request. When a word is in **bold** typeface it indicates the word was added. For those documents responsive to these requests that are already in Plaintiff's possession, please identify the Bates Number of that document instead of producing that document if the document is identical in all respects to the Bates numbered document. **If you do not have a copy of the documents with Bates Numbers, Plaintiffs will produce their Bates numbered copies upon request.**

All records, documents, information, recordings and images of students other than Gabriel Taye shall be produced unredacted and designated “Confidential” pursuant to the protective order.

DEFINITIONS

Except where the context indicates otherwise, the following definitions shall apply to these interrogatories:

1. “Person” or “individual” means natural persons, corporations, partnerships, sole proprietorships, unions, associations, federations, government agencies, or any other kind of entity.
2. “Document” and “record” mean any written, printed, typed, recorded, magnetic, punched, copied, graphic, electronic or tangible thing, through or from which information may be embodied, embedded, translated, conveyed, or stored, including, but not limited to, correspondence, memoranda, notes, notebooks, telephone messages, telephone recordings, telephone transcripts, text messages, records, books, papers, telegrams, telexes, facsimiles, dictation recordings, video recordings, digital recordings, audio recordings, computer tapes, computer disks, computer files, computer recordings, computer printouts electronic records, electronic mail or e-mail, attachments to emails, microfilm, microfiche, work sheets, diaries, calendars, photographs (including negatives, digital images, and prints) charts, drawings, sketches, text messages, webpages, and other writings and drafts thereof.
3. “Social Media” includes posts, messages, direct messages, live postings, pictures, etc. on sites such as Facebook, Twitter, Snapchat, Instagram, Pintrest, LinkedIn, Google+, YouTube, Tumblr, Flickr, Reddit, Vine, Periscope, etc.
4. The word “identify” when used in reference to a natural person means to state his or her full name, present address, telephone number, employer and position or job title at the time of the transaction, occurrence or event covered in the interrogatory. If any of the above information is not available to Defendant, provide any other available information with or by

which such natural person can be identified.

5. The word “identify” when used in reference to a person (as defined above) other than a natural person, means to state: (1) its full name, (2) the nature of its organization, including the name of the state in which it was organized, (3) its address(es), (4) the address(es) of its principal place of business, and (5) its principal line(s) of business. If any of the above information is not available to Defendant, provide any other available information with or by which such person can be identified.

6. The word “identify” when used in reference to a document means to state:

- (1) Its date;
- (2) Its author;
- (3) The type of document (e.g., letter, memorandum, receipt, invoice, schedule, report, telegraph, chart, photograph, sound reproduction, or note);
- (4) Its subject matter, title, and the total number of pages thereof;
- (5) Each and every person to whom copies were sent, by whom copies were received, and who Plaintiff believes may have knowledge of the contents thereof; and
- (6) Its present location and the name of its present custodian. In all instances, a copy of the document being identified may be produced in lieu of the identification required in subparagraphs (3) and (4) hereof.

7. If any such document was, but is no longer in the possession of Defendant, or is no longer subject to its control, or is no longer in existence, state whether it; (1) is missing or lost, (2) has been destroyed, (3) has been transmitted or transferred voluntarily or involuntarily to others, identifying to whom it was transferred or transmitted, or (4) has been otherwise disposed

of, in each such instance, explain the circumstances surrounding the authorization for such disposition and state the date or approximate date thereof. If any of the above information is not available to Defendant, provide any available information with or by which such documents can be identified.

8. Unless otherwise indicated, the time period requested is from August 1, 2014 through June 30, 2019.

9. “Date,” when used herein, shall include the day, month and year of the occurrence which the interrogatory refers. Defendant is to provide the exact date or inclusive dates if known, or if not known, an approximation together with an indication that the date or dates supplied may not be exact.

10. “Defendants” refer to all named Defendants in this action, Cincinnati Board of Education, Mary Ronan, Ruthenia Jackson, Jeffrey McKenzie, Margaret McLaughlin.

11. Gabriel or Gabe means Gabriel Benyam Taye.

12. “Carson” or “Carson School” refers to Carson elementary school.

13. “Your or Yourself” refers to the Cincinnati Board of Education.

14. “CPS” or “Cincinnati Public Schools” refers to the Cincinnati Board of Education.

15. “AY” or “school year” or “academic year” refers to the academic school year starting at beginning of the school term in the fall of the first date and ending at the end of the school term in the spring of the second date. For example, AY2016-2017 or school year 2016-2017 or academic year 2016-2017 refers to the beginning of the school term in the fall of 2016 and ending at the end of the school term in the spring of 2017. When used over multiple years, for example AY2013-217 refers to the beginning of the school term in the fall of 2013 and

ending at the end of the school term in the spring of 2017.

REQUESTS FOR PRODUCTION OF DOCUMENTS

Records request to Daniel Hoying dated February 3, 2017 from Carla Loon Leader (email)

1. All records all records in the possession of Cincinnati Public Schools related to Gabriel Taye, including but not limited to any nurse, teacher or administrator logs that pertain to him in any way.

Public records request to Daniel Hoying dated February 7, 2017 from Carla Loon Leader

2. Please provide all records reflecting prohibited incidents or conduct as defined by Board Policy 5517.01 within Carson Elementary School from the 2013-**2017** school years through the present.
3. Please provide all written summaries of reported incidents of bullying, as required by Board Policy 5517.01, related to any incidents responsive to Request No. 1.
4. Please provide all records of prohibited incidents or conduct as defined by Board Policy 5517.01 reported by school personnel to the school principal or designated administrator at Carson Elementary from the 2013-2014 school year through the **2016-2017 school year**, and any records related to the investigation and/or verification of the reported incident.
5. Please provide all records of discipline taken against any Carson Elementary student that engaged in prohibited conduct as defined by Board Policy 5517.01 from the 2013-2014 school year **through the 2016-2017 school year**.
6. Please provide all records from Powerschool's discipline log entries at Carson Elementary from the 2013-2014 school year through the **2016-2017 school year**, with names redacted, with the following heading or text search parameters:
 - a. Bullying
 - b. Hitting Another Student and Hit Another Student
 - c. Hitting or Hit
 - d. Peer to Peer Aggression and aggression
 - e. Fighting
 - f. Weapon

- g. Threat, Threaten and Threatening
- h. Assault
- i. Violent and Violence
- j. Safety
- k. Security

7. Please provide any records maintained by Cincinnati Public Schools on bullying statistics for the 2013-2014 school year **through the 2016-2017 school year** from all Cincinnati Public school buildings
8. Please provide the personnel file of Dr. Ruthenia Jackson, James McKenzie and any other administrator within Carson Elementary.

Public records request to Daniel Hoying dated March 17, 2017 from Jennifer Branch

9. A copy of all recordings (including but not limited to, video, audio, digital, and electronic) of Gabriel Taye.

Public records request to Daniel Hoying dated March 20, 2017 from Jennifer Branch

10. All **emails** to or **from or to** any CPS employee, staff, teacher, contractor, or attorney (that is not privileged) regarding Gabriel Taye, all incidents contained in Gabriel Taye's log entry (attached as Ex. 1).
11. All logs, reports, investigation, summaries, notes, memorandum, security records, emails, text messages, recordings, or other records regarding all incidents contained in Gabriel Taye's log entry (attached as Ex. 1).
12. All log entries for each student referenced in Ex. 1, and for students [REDACTED] and [REDACTED] (mentioned in Detective Karaguleff's email to you [Daniel Hoying] dated February 17, 2017).
13. All logs, reports, investigation, summaries, notes, memorandum, security records, emails, text messages, recordings, or other records regarding all incidents contained in the log entries you produce in response to No. 3 above, including, but not limited to [REDACTED] and [REDACTED].

14. All logs, reports, investigation, summaries, notes, memorandum, security records, emails, text messages, recordings, or other records regarding all incidents contained in the log entries you produce in response to Ms. Leader's February 7, 2017 records request.
15. All logs, reports, investigation, summaries, notes, memorandum, security records, emails, text messages, recordings, or other records regarding any CPS student who attempted or committed suicide during academic year 2016-2017.

Public records request to Daniel Hoying dated June 8, 2017 from Jennifer Branch

16. All policies, guidelines, memoranda, emails, **and documents** in use at Carson Elementary School during academic years **2013**-2017 regarding violent, bullying, intimidating, threatening, harassing, abusive, or aggressive behavior.
17. All policies, guidelines, memoranda emails **and documents** in use at Carson Elementary School during academic years **2013**-2017 regarding student discipline, alternatives to discipline, and all incentives to administrators, teachers, or staff for reduction in discipline.
18. All policies, guidelines, memoranda, emails **and documents** in use at Carson Elementary School during academic years **2013**-2017 regarding when and how to notify parents of student accidents and injuries.
19. All policies, guidelines, memoranda emails **and documents** in use at Carson Elementary School during academic years **2013**-2017 regarding suicide prevention, suicide intervention procedures, identification and treatment of depression and suicide ideation.
20. All policies, guidelines, memoranda emails **and documents** in use at all Cincinnati Public Schools regarding preventing, identifying, investigating, and resolving bullying and other forms of aggressive behavior as defined in Board Policy 5517.01 from 1/1/11 to the present. Please include in your response the email or document referenced in GB012901 that was sent or prepared by Lauren Braddock.

21. All policies, guidelines, memoranda, “intervention procedure,”¹ emails **and documents** in use at all Cincinnati Public Schools regarding preventing, identifying, intervening, investigating, and dealing with students experiencing suicidal ideation, depression, trauma, and other severe emotional disturbances from 1/1/11 to the present.

22. All accident reports, reports or **documents** of student injuries from all Cincinnati Public Schools, school events, and transports from **1/1/13 through 12/31/17**. Please redact student names from your response.

23. All contracts, emails, memoranda or **documents** between Cincinnati Public Schools or Carson Elementary School and the Cincinnati Health Department in effect or dated **1/1/13 through 12/31/17**.

24. All records or lists of trainings attended by administrators, Principal Jackson, all Vice Principals, all teachers, all security personnel, and all nursing staff at Carson Elementary School from **1/1/13 through 12/31/17**, excluding the Positive Behavior Interventions and Supports (“PBIS”) training agendas and outlines.

25. All training materials Cincinnati Public Schools or Carson Elementary School utilized in training administrators, Principal Jackson, all Vice Principals, all teachers, all security personnel, and all nursing staff at Carson Elementary School regarding discipline and alternatives to discipline; violent, bullying, intimidating, threatening, harassing, abusive, or aggressive behavior; preventing, identifying, intervening, investigating, and dealing with students experiencing suicidal ideation, depression, trauma, and other severe emotional problems from **1/1/13 through 12/31/17**.

Public records request to Daniel Hoying dated June 9, 2017 from Jennifer Branch

26. All policies, guidelines, memoranda, protocols, and records in use at Cincinnati Public Schools and Carson Elementary School during **academic years 2013-2017** regarding how to assess and treat a student for an injury, sickness, medical or mental health condition, emergency medical condition, loss of consciousness, syncope, head injury, brain injury, and closed head injury.

¹ As this term is used in Cincinnati Public Schools Policy 5350, 5517.

27. All policies, guidelines, memoranda, protocols, and records in use at Cincinnati Public Schools and Carson Elementary School or Cincinnati Health Department during **academic years 2013-2017** regarding how and when to document a medical professional's or nurse's interaction with a student, including the treatment, assessment, intervention, instruction, counseling, health education, referral, notification, disposition, and treatment plan for the student.
28. All policies, guidelines, memoranda, protocols, and records in use at Cincinnati Public Schools and Carson Elementary School or Cincinnati Health Department during **academic years 2013-2017** regarding the scope of practice, clinical supervision, and non-clinical supervision for a registered nurse working in a Cincinnati Public School.
29. All contracts, emails, memoranda, and records between Cincinnati Public Schools or Carson Elementary School and the Cincinnati Health Department in effect during **academic years 2013-2017**.
30. All records, including lists of trainings, of trainings provided to or attended by Carson Elementary School medical personnel, teachers, administrators, Principal Jackson, all Vice Principals, nursing staff, clinical and non-clinical nursing supervisors, and Health Department personnel, regarding treating and assessing a student who has experienced an injury, sickness, medical or mental health condition, loss of consciousness, and/or emergency medical condition from **1/1/13 through 12/31/17**.
31. All training materials Cincinnati Public Schools, Carson Elementary School, or Cincinnati Health Department utilized in training Carson Elementary School medical personnel, teachers, administrators, Principal Jackson, all Vice Principals, nursing staff, clinical and non-clinical nursing supervisors, and Health Department personnel, regarding treating and assessing a student who has experienced an injury, sickness, medical or mental health condition, loss of consciousness, and/or emergency medical condition from **1/1/13 through 12/31/17**.
32. All Cincinnati Public Schools, Carson Elementary School, and Cincinnati Health Department organization charts regarding medical personnel staffing, management, and health care

delivery at Carson Elementary School during academic years **2013-2017**.

33. All job descriptions, job profiles, or records explaining the duties, responsibilities, and scope of practice of all medical personnel, including but not limited to, nurses, nurse practitioners, nurse supervisors, nurse managers, nursing administrators and their supervisors who served at Carson Elementary School during academic years **2013-2017**.
34. All advertisement for full or part time jobs or positions involving a nursing background which have been utilized by the Cincinnati Public Schools or The Cincinnati Health Department in advertising for applicants to work in or at a Cincinnati Public School from **1/1/13 through 12/31/17**.
35. All personnel files for Margaret Mary McLaughlin, R.N., and all her supervisors **from 1/1/13 through the present**.
36. All lists or record documenting the number, reason, assessment and treatment of all students who saw medical personnel, including a nurse, at Carson Elementary School during the **AY 2013-14, AY2014-15, AY2015-16, and AY2016-17**. Please redact all student names from your production.
37. All forms used by medical personnel, including nurses and their supervisors, teachers, administrators to document medical care, assessment, treatment or involvement of a student at Carson Elementary School during **AY2013-2017**. Include in your response any forms used to send home with a student.

Public records request to Daniel Hoying dated July 11, 2017 from Jennifer Branch

38. Copy of the hard drives, storage systems, and data of the computers containing security camera video and data for Carson Elementary School from August 1, 2014 through **June 30, 2017**, including information regarding:
 - a. Any person with access to the video user name, password, and IP address and could access the video or images;

- b. Records indicating all times the videos were seen, images were accessed, and by whom and what position within the school;
 - c. Names, dates, and procedures allowing third-parties permitted to operate or supervise the operation of the video cameras and underlying database;
 - d. Names, dates and names of individuals and organizations permitted to view images stored on video cameras and the images;
 - e. All records of viewings of video footage in restrooms of Carson School;
 - f. The designated storage for the video images, including i-clouds, from 2014-2017;
 - g. All books, data, and logs showing dates and times video images were accessed in 2015-2017, including the names of the individuals with access and their positions and the method of access.
39. Copy of all data from district cell phones issued to Principal Jackson, Vice Principal McKenzie, and all other employees at Carson School from January 1, 2017 through **June 30, 2017**.
40. Personnel files of all school counselors, psychologists, and mental health professionals employed by the District who provided services to Carson School during **AY 2013-2017**.
41. All records, including correspondence, texts, emails, messages, among all District personnel regarding the evaluation, decision whether to renew his contract, and resignation of Jeff McKenzie, Assistant Principal of Carson School.
42. All records of any meeting or communication with parents, teachers, or others (including with outside organizations and attorneys) regarding Assistant Principal Jeff McKenzie's performance at Carson School, including with outside organizations and attorneys.
43. All records regarding the installation, usage, purpose, location, number, and monitoring of the security cameras at Carson School, during **AY 2013-2017** including:
- a. logs;

- b. summaries of video;
- c. contracts to purchase and maintain;
- d. budget requests for the surveillance equipment;
- e. training materials on how to use and monitor the videos;
- f. video retention policies;
- g. reasons for installing surveillance equipment;
- h. policies related to the security cameras monitoring and operation, including how and when action should be taken as a result of information captured on the cameras;
- i. policies and guidelines for operating, monitoring and reporting content on security cameras;
- j. job descriptions and duties of all personnel involved with security cameras;
- k. agendas and notes from any Board, Faculty, or PTO meetings related to security cameras including but not limited to the purpose and effectiveness of the use of security cameras;
- l. all communications to the school community, including teachers, parents, administrators, and third parties regarding the purpose and use of the surveillance videos;
- m. names and positions of all school personnel with access to videos from Carson School security cameras;

44. All Handbooks provided to parents and students at Carson School during **AY2013-2017**.

Revised from prevision requests for public records

45. All records, notes, meetings, and communications of any administrators, teachers, and parents in regard to student safety in the bathrooms at Carson School during **AY2013-2017**.

46. All insurance documents, including insurance or risk pool policies, declaration pages, reinsurance policies, and self-insured documentation, relating to liability or indemnification of employees or contractors.

47. If Cincinnati Public Schools or any employee or contractor has submitted a claim regarding Gabriel Taye, produce all documents and correspondence with the insurance carrier or claims administrator and any reservation of rights documents.
48. All documents, including agreements, contracts, and releases, relating to settlements entered into between January 1, 2013 and December 31, 2017, for legal claims that Cincinnati Public Schools settled with any student or parent, custodian, or guardian regarding injuries a student sustained at a Cincinnati Public School or while participating at a Cincinnati Public Schools events.
49. All contracts, memorandum, and correspondence between Cincinnati Public Schools or Carson School and any vendor who supplied security, health care, mental health care, or after-school care from January 1, 2013 to the present.
 - a. All contracts, memorandum, documents and correspondence between Cincinnati Public Schools and St. Joseph Orphanage.
 - b. All documents and correspondence between Cincinnati Public Schools or Carson School and all security staff or vendors.
 - c. All contracts, memorandum, documents and correspondence between Cincinnati Public Schools or Carson School and FamiliesForward and any other after-school program at Carson School.
 - d. All contracts, memorandum, documents and correspondence between Cincinnati Public Schools or Carson School and Beech Acres.
50. All documents regarding salary, compensation, bonuses, and incentives for Principal Jackson and all Assistant Principals and teachers at Carson School from January 1, 2013 through December 31, 2019.
 - a. All documents regarding incentives and bonuses of Principal Jackson.
 - b. All documents regarding incentives and bonuses of Assistant Principal McKenzie.

- c. All documents regarding salary, compensation, bonuses, and incentives for all other Assistant Principals at Carson School.
- d. All documents regarding salary, compensation, bonuses, and incentives for all teachers at Carson School.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing requests was served in Word and PDF by email on
November 15, 2019, upon the following:

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s/ Jennifer Branch
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School: District Office Term: 16-17 Year



Log Entries

Taye, Gabriel Benyam 3 100119980 CARS 106 Transferred Out

New

Date	Description
01/09/2017	McKenzie, D Jeffrey - Horseplay in Hallway - Student was sent to the nurse at the end of the day. Student was bleeding from his lip. Student stated that another student hit him. Since it was end of the day, Mr. McKenzie met with all boys involved to get their side of the story. 01/10/2017- Mr. McKenzie met with all students. Two of the students stated that another student hit Gabriel in the mouth after an altercation over a pop. Two of the boys were given removal letters and meeting was scheduled for Thursday Morning at 8am. 01/12/2017- in the meeting with the parents the students stated the incident was an accident and that Gabriel accidentally tripped and hit his lip on the window area by Art room. Warnings were issued to all the boys involved and told if occur again that there would be further disciplinary action. Students were in a location after school they had no business being in and was playing around causing injury to another. It was all ruled an accident.
10/07/2016	Bush, Lainey - Aggressive Behavior - G was talking about another male students mother. When asked to stop he continued to talk. The other male student threw a punch and G threw punches back. Security was called. Meeting held with mom on 10/10/2016 at 730. Student returned with warning that anything else would be meet with removal
10/03/2016	Frank, Claire - Parent Contact - Left message with mom. Told her about an altercation with him and another boy in class today. Informed her that he will have a lunch detention tomorrow as a result of the situation.
09/07/2016	Gubin, Nili - fighting - Gabriel was reprimanded today for being off task and disruptive. I told him he was getting a lunch DT tomorrow. He got very angry about this and, at dismissal, started shoving at another child. I separated him but he went back after we were outside and started punching this other student. I called home and left a voicemail.
05/04/2016	Turpeau, Dewolfe - Follow Up - Called Mom regarding incident on the playground and advised that the proper action had been taken with the other student.
10/07/2015	Cox, Taylor - Playground - Gabriel was struck by another student today. Statements suggest that he did not retaliate and did tell an adult. Spoke to mother. Released by nurse.
05/13/2015	Keach, Shannon - Lunch Detention - Gabriel has a lunch detention tomorrow for his talkative, playful, and off task behavior in math. Mom was told about the detention at pick up.
02/06/2015	Wright, Jasmine - SSW - Attendance letter mailed.
01/20/2015	Watson, Rani - Lunch Detention - Received a lunch detention for throwing two students hat on the ground.
09/04/2014	Watson, Rani - Behavior - I spoke to mom and informed her that Gabriel had trouble following directions, and was talkative and playful in class today. If the behavior continues he will receive a detention.

Exhibit 1

GB000260